



UNITED STATES BANKRUPTCY COURT  
WESTERN DISTRICT OF WASHINGTON

## HAVE YOU COMPLETED CREDIT COUNSELING?

*From a U.S. Trustee Approved Agency [11 U.S.C § 109(h)]*

### **READ THIS BEFORE YOU FILE YOUR CASE**

If you have not completed counseling before you file your petition and you do not meet the requirements for an extension to complete the counseling after filing:

- Your case may be **DISMISSED without refund of any filing fee paid**;
- You **WILL NOT** receive a **DISCHARGE** of your debts;
- If you **REFILE** within **ONE YEAR** after dismissal, protection under the Bankruptcy Code from your creditors (i.e. the automatic stay) may be limited to thirty days.

Under the bankruptcy laws, the court can only allow you to complete the course after filing if you meet all of the following conditions. See 11 USC § 109(h)(3).

- 1) You must have tried to get credit counseling from an approved agency before bankruptcy but were not able to obtain the counseling during the 5-day period after you made the request; AND
- 2) There are exigent (emergency) circumstances that make it necessary for you to file your case immediately (Important: The court will determine what qualifies as an emergency circumstance);
- 3) You must file a certification stating the facts regarding conditions 1) and 2) above with your petition.

**The decision to file your petition is up to you, but if you file without taking the course, you are risking dismissal of your case. The clerk cannot provide legal advice or predict in advance how a judge will decide your request for an extension to complete this requirement for credit counseling.**

To complete this requirement before filing the petition, obtain from the clerk a list of United States Trustee approved pre bankruptcy credit counseling agencies or go to this website:

[http://www.usdoj.gov/ust/bapcpa/ccde/cc\\_approved.htm](http://www.usdoj.gov/ust/bapcpa/ccde/cc_approved.htm)

You may take the course on the Internet, by telephone, or in person. If you do not have a computer, your public library may allow you to use their public computers.

*NOTE: A waiver of the credit counseling requirement is available in very limited circumstances for persons on military duty in an active combat zone, or persons with a physical or mental impairment preventing participation in credit counseling, in person, by telephone, or on the Internet. A waiver must be granted by the court. 11 U.S.C. § 109(h)(4).*

(3/23/06)